

SEP 25 2008

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### FAX COVER PAGE

DATE: September 25, 2008

PAGES INCLUDING THIS PAGE: 14

TO: Examiner James L. Swiger III, Group Art Unit 3733  
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Final Office Action for U.S. Patent Application No. 10/635,319 to Benjamin Garden et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/635,319
Filing Date	August 6, 2003
First Named Inventor	Benjamin Garden et al.
Art Unit	3733
Examiner Name	James L. Swiger III
Attorney Docket Number	MSDI-67/PC933.00

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Krieg DeVault LLP		
Signature	<i>Douglas A. Collier</i>		
Printed name	Douglas A. Collier		
Date	September 25, 2008	Reg. No.	43,556

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Douglas A. Collier</i>		
Typed or printed name	Douglas A. Collier	Date	September 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 25 2008

Doc.1753673

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re patent application of:  
Benjamin Garden et al.

Application Serial No. 10/635,319

Filed: August 6, 2003

SYSTEMS AND TECHNIQUES FOR  
STABILIZING THE SPINE AND PLACING  
STABILIZATION SYSTEMSBefore the Examiner:  
James L. Swiger III

Group Art Unit: 3733

Atty Docket No.:  
MSDI-67/PC933.00

September 25, 2008

**RESPONSE TO FINAL OFFICE ACTION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed July 25, 2008, please enter and consider the following. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time that may be necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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September 25, 2008

(Date of Transmission)

Douglas A. Collier

Name of Registered Representative

*Douglas A. Collier*

Signature

September 25, 2008

Date of Signature

Response to Final Office Action  
Application Serial No. 10/635,319  
Atty Docket No. MSDI-67/PC933.00  
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